

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RENO ROCK TRANSPORT, LLC,)	3:12-mj-00055-VPC
)	
Movant,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	September 16, 2013
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: H. Jordan REPORTER: Donna Davidson

COUNSEL FOR MOVANT(S): Craig Denney, Justin Cochran

COUNSEL FOR RESPONDENT(S): Ronald Rachow

PROCEEDINGS: EVIDENTIARY HEARING

10:05 a.m. Court Convenes.

The Court addresses the parties regarding the purpose of this hearing. Mr. Denney advises the Court that the parties have reached an agreement regarding this matter. Mr. Denney states that the Government will return the original records from Reno Rock Transport, LLC, provided that a protective order be signed to ensure the original records remain intact. Mr. Denney requests that the exhibits referred to in Agent Taylor's Declaration be provided to defense counsel and the Court. Mr. Rachow, on behalf of the Government, advises they have agreed to return the original records from Reno Rock Transport, LLC, as long as there is a protective order in place. Mr. Rachow objects to providing any discovery material obtained during the investigation at this point. Mr. Rachow further advises that there is one small box of documents that contains attorney-client privileged materials that has not been opened or copied. Mr. Rachow requests that a copy of these materials be made before they are returned to Mr. Archie.

IT IS HEREBY ORDERED that the Motion for Return of Property Seized (Doc. #6) is **GRANTED** with the condition that the parties enter into a protective order. Counsel will draft a protective order to be submitted to the Court for review. The protective order shall provide that Reno Rock Transport, LLC, will keep these documents separate, not alter them, and make them available to review should the Government require them.

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IT IS FURTHER ORDERED that with respect to the box of attorney-client privileged documents, the Court will not allow the Government to review or copy them before returning them to Mr. Archie. If they have been identified as attorney-client privilege, they will be subject to the protective order. If the Government believes there is a need to examine those records at a later date they can seek further order of the Court.

IT IS FURTHER ORDERED that Mr. Denney's request to be provided with the exhibits referred to in Agent Taylor's Declaration is **DENIED**.

10:16 a.m. Court Adjourns

LANCE S. WILSON, CLERK

By: _____ /s/
H. Jordan, Deputy Clerk